

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-11, 19-22 and 27-50 are pending, with claims 1, 7, 29, 31, 34 and 43 being the independent claims. Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

Claim Rejections Under 35 U.S.C. § 101

Claims 7-11, 28 and 29 were rejected under 35 U.S.C. § 101 as being directed at non-statutory subject matter. Specifically, the Examiner states that the claims are drawn to a “computer executable software code” and as such is non-statutory subject matter. Claims 7-11, 28 and 29 have been amended to recite “processor-readable medium storing code representing instructions to cause a processor to perform a process.” Accordingly, the Applicants request that the rejection of these claims under 35 U.S.C. § 101 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 7, 8 and 19-22 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,831,664 to Wharton et al. (“Wharton”) in view of U.S. Patent No. 6,115,611 to Kimoto et al. (“Kimoto”) and further in view of U.S. patent No. 5,850,433 to Rondeau (“Rondeau”).

Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wharton in views of Kimoto and Rondeau, and U.S. Patent No. 6,009,413 to Webber et al. (“Webber”).

Claims 6 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wharton in views of Kimoto, Rondeau and U.S. Patent Publication No. 2003/0092450 A1 to Juppi et al. (“Juppi”).

Independent Claim 1 and its Dependent Claims

Claim 1 has been amended to recite “the data set including a selectable icon associated with at least one of scheduling an appointment or making a bid” and “transmitting data associated with a selection of the icon associated with the at least one of scheduling an appointment or making a bid.” None of Wharton, Kimoto, or Rondeau, alone or in combination, disclose or suggest such a method.

As stated in the Applicants’ response to the final Office Action dated December 15, 2006, filed on October 2, 2007 after the filing of a Notice of Appeal on April 12, 2007, and after receipt of a Notice of Panel Decision from Pre-Appeal Brief Review dated July 10, 2007 (“the October ’07 Response”) incorporated herein, neither Wharton or Kimoto discloses or suggests “receiving . . . a data set associated with the identified property, the data set including a selectable icon associated with at least one of scheduling an appointment, or making a bid.

Rondeau fails to satisfy this deficiency. Rondeau discloses an on-line directory service that includes a database 14 and a server center 12. The server center 12 can be coupled to a personal computer 18, the database 14 and a remote telephone device 22. A user of the directory service of Rondeau can select a telephone icon to place a telephone call to an entity (i.e., the telephone device 22). The server center 12 then initiates a call between the computer 18 and the telephone device 22. Rondeau does not disclose or suggest “a selectable icon associated with at least one of scheduling an appointment or making a bid” as recited in claim 1.

In addition, as stated in the Applicants’ response to the final Office Action dated December 15, 2006, filed February 15, 2007 prior to the Advisory Action dated March 16, 2007 (“the February ’07 Response”) incorporated herein, the Applicants assert that Wharton and Kimoto are not properly combinable.

The Examiner asserts in the Advisory Action that Wharton includes aspects “aimed to reducing database browsing, comparison of multiple selection criteria, reducing human interaction, etc., and therefore does not limit the invention to only being used without being present at the geographic location.” The Applicants strongly disagree with this assertion. Wharton does not disclose or suggest in any way that the terminal device can be used at the geographic location at issue. In fact, as stated in the February ’07 Response, the mobile interface

device 12 of Wharton is configured to be used prior to traveling to the geographic location. In addition, the mobile interface device 12 of Wharton must be in close proximity to the transceiver device 16 to function. Wharton does not disclose or suggest having the transceiver device 16 positioned at the geographic location and then using the mobile interface device 12 at that geographic location. Rather, Wharton teaches using the device at, for example, a user's home, where the transceiver device 16 is located, to locate a prospective geographic location that the user may wish to visit. Thus, to modify Wharton with the teachings of Kimoto would detract from the very purpose and function of the Wharton device, i.e., a device that can be used at a user's home prior to setting out to view a property.

The Examiner also asserts in the Advisory Action that Wharton suggests the wireless communication device "may support a transportation application like global positioning data to obtain instructions for how to get to an address from a current location and does not discourage using the location of the mobile terminal to tailor the search for real estate properties." The Applicants respectfully disagree. There is no suggestion whatsoever that the Wharton device would support receipt of global positioning data to obtain address information. When the terminal is at a fixed location (i.e., the user's home) GPS data is relatively useless. Even if one assumes that Wharton does suggest what the Examiner asserts, this still does not suggest that the mobile interface device 12 is ever located at the geographic location that is the subject of the search. The Examiner's assertion merely says that the mobile interface device 12 of Wharton can be used to search for and provide directions to a geographic location. The Examiner's assertion that Wharton does not discourage using the location of the mobile terminal to tailor the search for real estate properties is of absolutely no consequence. The test is not whether a reference discourages the use of the device in some manner, but rather the test is whether there is a suggestion or motivation to combine the cited references.

Furthermore, the Applicants submit that Kimoto is not properly combinable with Rondeau for similar reasons. As with Wharton, Rondeau does not disclose or suggest "the geographic location being associated with a location of the electronic device." As stated above, Rondeau discloses a directory service that can be accessed by a user's computer. Rondeau is entirely silent as to a method that includes identifying a geographic location, and identifying a

property associated with the geographic location, where that geographic location is associated with a location of an electronic device. The Applicants assert that the Examiner is using impermissible hindsight to combine the teachings of Rondeau with Kimoto. Thus, the combination of Wharton, Kimoto and Rondeau is improper based on the improper combination of Wharton and Kimoto or the improper combination of Kimoto and Rondeau.

Accordingly, the Applicants submit that at least for these reasons claim 1 is allowable. Based at least upon their dependence from claim 1, claims 2-6, 17-20 and 27 are also allowable.

Independent Claim 7 and its Dependent Claims

Claim 7 has been amended to recite “the plurality of selectable icons including an icon associated with at least one of scheduling an appointment or making a bid.” For the same reasons as stated above for claim 1, none of Wharton, Kimoto, or Rondeau, alone or in combination, disclose or suggest a “processor-readable medium storing code” including code to “transmit data associated with a selection of an icon from the plurality of icons to the information system, the plurality of selectable icons including an icon associated with at least one of scheduling an appointment or making a bid” as recited in claim 7. In addition, for the reasons stated above for claim 1, the Applicants assert that Wharton, Kimoto and Rondeau are not properly combinable.

Accordingly, Applicants respectfully submit that at least for these reasons, claim 7 is allowable. Based at least upon their dependence from claim 7, claims 8-11, 21-22 and 28 are also allowable.

Independent Claim 29 and its Dependent Claim

Claim 29 has been amended to recite “receiving an audio response *directly* from the database based on the selection.” (emphasis added). None of the cited references, alone or in combination, disclose or suggest such a computer readable medium. Specifically, as stated in the October ‘07 Response, neither Wharton nor Kimoto disclose or suggest receiving an audio response of any kind. In addition, as described above, Rondeau discloses initiating a call between a computer and a separate telephone device. Thus, Rondeau does not disclose or

suggest that the computer 18 can receive an audio response directly from the database 14. Moreover, for the reasons stated above for claim 1, the Applicants assert that Wharton, Kimoto and Rondeau are not properly combinable.

Accordingly, Applicants respectfully submit that at least for this reason, claim 29 is allowable. Based at least upon its dependence from claim 29, claim 30 is also allowable.

New Claim 31 and its Dependent Claims

Claim 31 recites a computer readable medium including code to “receive directly from the information system a second menu of location-centric information associated with the property based on the selection of the icon to search for a property for sale, the second menu having a plurality of selectable search icons *including an icon to search based on the geographic location of the electronic device*” and code to “transmit data associated with a selection of the search icon to search by present location to the information system.” (emphasis added) None of the cited references, alone or in combination, disclose or suggests such an apparatus.

Accordingly, at least for this reason, claim 31 is allowable. Based at least upon their dependence from claim 31, claims 32-33 are also allowable.

New Claim 34 and its Dependent Claims

Claim 34 recites “the geographic location being associated with a location of the electronic device” and “querying the database based on the first information data set; and after the querying the database based on the first information set, receiving from the database a second information data set associated with the identified property.” None of the cited references, alone or in combination disclose or suggests such an apparatus.

Specifically, as stated above and as described in the February '07 Response incorporated herein, Wharton and Kimoto are not properly combinable. Further, Rondeau does not make up for any deficiency of Wharton or Kimoto. As with Wharton, Rondeau does not disclose or suggest “the geographic location being associated with a location of the electronic device,” nor does Rondeau disclose or suggest “querying the database based on the first information data set;

and after the querying the database based on the first information set, receiving from the database a second information data set associated with the identified property.”

Accordingly, at least for these reasons, claim 34 is allowable. Based at least upon their dependence from claim 34, claims 35-42 are also allowable.

New Claim 43 and its Dependent Claims

Claim 43 recites a processor-readable medium including code to “provide to an information system information related to a geographic location associated with a position of an electronic device” and code to “transmit to the information system data associated with a selection of an icon from the plurality of icons; and receive a second menu of location-centric information based on the selection, the second menu having a plurality of selectable icons.” For the same reasons as described above for claim 34, claim 43 is allowable. Based at least upon their dependence from claim 43, claims 44-50 are also allowable.

Conclusion

All of the stated grounds of rejection in the Office Action have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all outstanding rejections. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: February 27, 2003

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